

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IDIANA MENDOZA AGUIRRE

VS.

WAL-MART STORES, INC.

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C.A. NO. 5:19-cv-1269

JURY DEMANDED

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441

TO THE CLERK OF THE ABOVE ENTITLED COURT:

Please take notice that Defendant, Wal-Mart Stores, Inc. (now known as Walmart Inc.) hereby removes to the Court the state action described below.

1. On September 17, 2019, a civil action was commenced, in the 166th Judicial District Court of Bexar County, Texas, entitled *Idiana Mendoza Aguirre v. Wal-Mart Stores, Inc.*; Cause No. 2019CI19535. A copy of Plaintiff's Original Petition is attached hereto as **Exhibit A**.

2. Service of summons and complaint was made on Defendant, Wal-Mart Stores, Inc. by certified mail on September 25, 2019. Defendant, Wal-Mart Stores, Inc. (now known as Walmart Inc.) first received a copy of said Petition on October 2, 2019. A copy of the Citation is attached hereto as **Exhibit B**.

3. Defendant has filed an Original Answer, which is attached as **Exhibit C**, a Demand for Jury Trial, which is attached as **Exhibit D** and a Notice of Filing of Removal to Federal Court, attached as **Exhibit E**. Defendant has attached all process, pleadings, and orders in the State Court action as required by 28 U.S.C. 1446(a).

JURISDICTION AND VENUE

4. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. § 1332 (Diversity Jurisdiction), and is one which may be removed to this Court pursuant to Title 28 U.S.C. § 1441. There is complete diversity of citizenship amongst the parties. Defendant Wal-Mart Stores, Inc. (now known as Walmart Inc.) is incorporated under the laws of

the state of Delaware with its principal place of business in Bentonville, Arkansas¹. As such, Defendant Wal-Mart Stores, Inc. (now known as Walmart Inc.) is not a Texas citizen. Plaintiff is a Texas citizen, with her residence in Bexar County, Texas.

5. The amount in controversy exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest and costs. *See page 2 of Plaintiff's Original Petition.*

7. Venue is proper in the Western District of Texas, San Antonio Division because this District and Division embrace the place in which the action is pending.

Dated: October 25, 2019

Respectfully submitted,

Daw & Ray
A Limited Liability Partnership

/s/ Willie Ben Daw, III

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ATTORNEYS FOR DEFENDANT

¹ On February 1, 2018, Wal-Mart Stores, Inc., changed its name to Walmart Inc. The state of incorporation and principal place of business is the same for both entities.

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record by Electronic Service on this 25th day of October, 2019.

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Email: Travis@spencerandersonfirm.com

/s/ Willie Ben Daw, III
Willie Ben Daw, III

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INDEX OF DOCUMENTS FILED WITH REMOVAL ACTION

- (A) Plaintiff's Original Petition
- (B) Citation
- (C) Defendant's Original Answer
- (D) Defendant's Demand for Jury Trial
- (E) Notice of Filing of Removal to Federal Court
- (F) List of Counsel of Record